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## FACSIMILE TRANSMISSION

Total # **7** of Pages (including this page)

TO:	PHONE #:	FAX #:
U.S. Patent and Trademark Office Finance Department	571-272-6349	571-273-6500

From : Lynda K. Peyton  
National IP Accounting Coordinator  
Email Address : lpeyton@foley.com  
Sender's Direct Dial : 202.672.5398  
Date : 02/11/2009  
Our Docket No. : 087354-0109  
Patent Appln. No. : 09/683,093

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### MESSAGE:

I have prepared a Duty of Candor in order to have a filing fee charged as the PTO has not billed for this filing. Please see the attached documents giving you instructions to charge the fee accordingly. If you have any questions, please feel free to contact me directly.

Sincerely, Lynda Peyton 202-672-5398

National IP Accounting Coordinator

Foley and Lardner LLP

If there are any problems with this transmission or if you have not received all of the pages, please call 202.672.5517.

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Cover Page 1 of 1

Atty. Dkt. No. 087354-0109

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Roland R. Thompson et al.  
Title: SYSTEM AND METHOD FOR  
PERFORMING SUBSTITUTE  
FULFILLMENT  
Appl. No.: 09/683,093  
Examiner: Catherine Michelle Tarae  
Confirmation Number: 8060

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**COMMUNICATION REGARDING FEES CHARGED TO CREDIT CARD**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In accordance with Applicants duty of candor and good faith of the U.S. Patent and Trademark Office (PTO), Applicants note that the fee in the amount of \$5526.00 has not been charged by the PTO for the filing the **Notification of Loss of Entitlement to Small Entity Status** for the above-captioned application. (copy enclosed)

It is hereby requested that the Patent Office verify the fee due in connection with the filing, and make necessary corrections.

With this communication, I give you instructions to charge the Foley and Lardner Deposit Account number 19-0741 in the amount of \$5526.00.

02/12/2009 DALLEN 00000030 190741 09683093  
01 FC:1461 5526.00 DA

Atty. Dkt. No. 087354-0109

Respectfully submitted,

Date 2/11/09

By Lynda K. Peyton

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5398  
Facsimile: (202) 672-5399

Lynda K. Peyton  
National Accounting Coordinator

*copy  
of filing*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**ATTORNEY DOCKET NO. 087354-0109**

**RECEIVED**

**FEB 17 2009**

**Applicants:** Roland R. THOMPSON et al.

**Title:** SYSTEM AND METHOD FOR PERFORMING SUBSTITUTE  
FULFILLMENT

**OFFICE OF PETITIONS**

**Appl. No.:** 09/683,093

**Filing Date:** 11/16/2001

**Examiner:** Catherine Michelle Tarac

**Art Unit:** 3623

**Confirmation  
Number:** 8060

**NOTIFICATION OF LOSS OF ENTITLEMENT TO  
SMALL ENTITY STATUS**

Director of the USPTO  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.27(g)(2), Applicants hereby state that Small Entity Status in the above-identified application is no longer appropriate. In accordance with 37 C.F.R. §1.28(c), therefore, Applicant submits the following:

- **Separate Submission required for each patent:** Applicants are submitting a deficiency owed for the above-captioned application.
- **Calculation and Payment of deficiency owed:** Applicants paid fees for Basic Filing Fee in the small entity amount of \$370.00, \$63.00 for 7 claims over 20 and \$336.00 for 8 claims over 3. The fee for payment of Basic, Search and Examination Fees for a large entity is \$1,030.00, \$350.00 for 7 claims over 20 and \$1,680.00 for 8 claims over 3. Therefore, the total amount owed

Appl. No. 09/683,093

Atty. Dkt. No. 087354-0109

is \$2,291.00. An itemization of the deficiency payment, as required by 37 C.F.R. §1.28(c)(2)(ii) is shown below.

- **Calculation and Payment of deficiency owed:** Applicants paid fees for a Three-Month Extension of Time in the small entity amount of \$510.00. The fee for payment for a Three-Month Extension of Time for a large entity is \$1,050.00. Therefore, the total amount owed is \$540.00. An itemization of the deficiency payment, as required by 37 C.F.R. §1.28(c)(2)(ii) is shown below.
- **Calculation and Payment of deficiency owed:** Applicants paid fees for Request for Continued Examination in the small entity amount of \$395.00. The fee for Request for Continued Examination for a large entity is \$810.00. Therefore, the total amount owed is \$415.00. An itemization of the deficiency payment, as required by 37 C.F.R. §1.28(c)(2)(ii) is shown below.
- **Calculation and Payment of deficiency owed:** Applicants paid fees for 15 additional claims over 20 in the small entity amount of \$375.00 and \$700.00 for 7 additional independent claims over 3. The fee for 15 additional claims over 20 for a large entity is \$750.00 and \$1,470.00 for 7 additional independent claims over 3. Therefore, the total amount owed is \$2,220.00. An itemization of the deficiency payment, as required by 37 C.F.R. §1.28(c)(2)(ii) is shown below.
- **Calculation and Payment of deficiency owed:** Applicants paid fees for a One-Month Extension of Fee in the small entity amount of \$60.0. The fee for a One-Month Extension of Fee for a large entity is \$120.00. Therefore, the total amount owed is \$60.00. An itemization of the deficiency payment, as required by 37 C.F.R. §1.28(c)(2)(ii) is shown below.

(A) Type of fees paid erroneously as Small Entity:

Basic Filing Fee	(Large Entity Fee - \$1,030.00)
3 Month Extension of Time Fee	(Large Entity Fee - \$1,050.00)
RCE Filing Fee	(Large Entity Fee - \$810.00)

Appl. No. 09/683,093

Atty. Dkt. No. 087354-0109

Extra Claims Fee

(Large Entity Fee - \$50.00 for additional claims over 20 and \$210.00 for additional independent claims over 3)

One Month Extension of Time Fee

(Large Entity Fee - \$120.00)

## (B1) The Small Entity fee paid:

Basic Filing with Additional Claims Fee	\$ 769.00
3 Month Extension of Time Fee	\$ 510.00
RCE Filing Fee	\$ 395.00
Extra Claims Fee	\$1,075.00
One Month Extension of Time Fee	\$ 60.00

## (B2) When Fee was paid:

Basic Filing with Additional Claims Fee	(November 16, 2001)
3 Month Extension of Time Fee	(January 9, 2006)
RCE Filing Fee	(July 21, 2006)
Extra Claims Fee	(September 22, 2006)
One Month Extension of Time Fee	(January 24, 2007)

## (C) The deficiency amount owed:

Basic Filing with Additional Claims Fee	\$2,291.00
3 Month Extension of Time Fee	\$ 540.00
RCE Filing Fee	\$ 415.00
Extra Claims Fee	\$2,220.00
One Month Extension of Time Fee	\$ 60.00

## (D) The total deficiency payment owed:

\$5,526.00 (Basic Filing with Additional Claims Fee \$2,291.00, Three Month-Extension of Time Fee 540.00, RCE Filing Fee \$415.00, Extra Claims Fee \$2,220.00 and a One Month Extension of Time Fee \$60.00)

Appl. No. 09/683,093

Atty. Dkt. No. 087354-0109

Enclosed is a credit card payment in the amount of \$5,526.00, for payment of the total deficiency owed amount. Fees paid presently and henceforth will be paid based on large entity status.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please contact the undersigned with any additional questions.

Respectfully submitted,

\_\_\_\_\_  
Date

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\_\_\_\_\_  
William T. Ellis  
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